

ESTTA Tracking number: **ESTTA390381**

Filing date: **01/27/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92050920
Party	Plaintiff Intellect Technical Solutions, Inc.
Correspondence Address	WILLIAM G GILTINAN CARLTON FIELDS PA 4221 W BOY SCOUT BLVD , SUITE 1000 TAMPA, FL 33607-5780 UNITED STATES tgiltinan@carltonfields.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	William Giltinan
Filer's e-mail	trademarks@carltonfields.com
Signature	/William Giltinan/
Date	01/27/2011
Attachments	NOR142.tif (51 pages)(3694214 bytes)

**In The United States Patent And Trademark Office
Before The Trademark Trial And Appeal Board**

In re: Registration No. 3,009,990
Trademark: ENTELLECT
Registered November 1, 2005

INTELLECT TECHNICAL SOLUTIONS, INC.

Petitioner,

v.

MILENA SONI,

Respondent.

Cancellation No.: 92050920

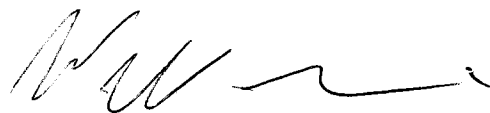
PETITIONER'S SECOND NOTICE OF RELIANCE

Petitioner Intellect Technical Solutions, Inc. submits this Notice of Reliance in accord with 37 C.F.R. § 2.120, et seq. and 37 C.F.R. 37.122, et seq. The following is hereby designated and made part of the record of this proceeding:

1. Intellect's Exhibit 142. The application file wrapper for Respondent's registration for Registration No. 3,546,885, pursuant to 37 C.F.R. 2.122(e). Petitioner's file wrapper, including without limitation the office action dated April 4, 2008 included therein, is relevant to the harm Petitioner will suffer if the subject registration is not cancelled, the likelihood of confusion between Petitioner's mark and Respondent's registered mark and, in particular, the factors of similarity of the marks and similarity of the services.

Respectfully submitted,

Date: January 27, 2011



William G. Giltinan
Carlton Fields, P.A.

P.O. Box 3239
Tampa, FL 33601-3239
(813) 223-7000
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Petitioner's Second Notice of Reliance to Respondent's counsel at the following address:

Surjit P. Soni,
Ronald E. Perez, ron@sonilaw.com
The Soni Law Firm
35 N. Lake Ave. #720
Pasadena, CA 91101

via Federal Express, Overnight Delivery (Tracking No. 794362475167) and email on January 27, 2011.

Dated: January 27, 2011


William G. Giltinan

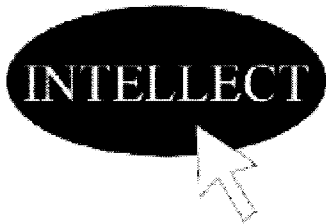
Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-01-25 15:24:50 ET

Serial Number: 77975758 Assignment Information Trademark Document Retrieval

Registration Number: 3546885

Mark



(words only): INTELLECT

Standard Character claim: No

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2008-12-16

Filing Date: 2008-01-08

Transformed into a National Application: No

Registration Date: 2008-12-16

Register: Principal

Law Office Assigned: LAW OFFICE 105

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-12-16

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Intellect Technical Solutions, Inc.

Address:

Intellect Technical Solutions, Inc.

Intellect Technical Solutions v. Milena Soni
Cancellation No. 92050920
Intellect's Exhibit 142

Suite 235 15950 Bay Vista Drive
Clearwater, FL 33760
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Florida

GOODS AND/OR SERVICES

International Class: 042

Class Status: Active

Consulting services in the field of computer-based information systems for businesses, namely, providing software development, quality assurance, project management and infrastructure consulting services

Basis: 1(a)

First Use Date: 2007-00-00

First Use in Commerce Date: 2007-00-00

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.

Description of Mark: The mark consists of an oval with the word "INTELLECT" superimposed thereon with an arrow extending into the approximate center of said oval from below.

Design Search Code(s):

24.15.25 - Other arrows

26.03.21 - Ovals that are completely or partially shaded

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-12-16 - Registered - Principal Register

2008-09-30 - Published for opposition

2008-09-10 - Notice of publication

2008-08-22 - Law Office Publication Review Completed

2008-08-22 - Assigned To LIE

2008-08-14 - Approved for Pub - Principal Register (Initial exam)

2008-07-11 - Notice Of Design Search Code Mailed
2008-07-10 - Divisional processing completed
2008-04-21 - Divisional request received
2008-04-25 - Unresponsive/Duplicate Paper Received
2008-04-24 - Assigned To LIE
2008-04-21 - FAX RECEIVED
2008-04-04 - Notification Of Non-Final Action E-Mailed
2008-04-04 - Non-final action e-mailed
2008-04-04 - Non-Final Action Written
2008-04-02 - Assigned To Examiner
2008-01-12 - Notice Of Design Search Code Mailed
2008-01-11 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

William G. Giltinan

Correspondent

WILLIAM G. GILTINAN
CARLTON FIELDS, P.A.
PO BOX 3239
TAMPA, FL 33601-3239
Phone Number: 813-229-4241
Fax Number: 813-229-4133

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,546,885

Registered Dec. 16, 2008

**SERVICE MARK
PRINCIPAL REGISTER**



INTELLECT TECHNICAL SOLUTIONS, INC.
(FLORIDA CORPORATION)
SUITE 235
15950 BAY VISTA DRIVE
CLEARWATER, FL 33760

FOR: CONSULTING SERVICES IN THE FIELD
OF COMPUTER-BASED INFORMATION SYSTEMS
FOR BUSINESSES, NAMELY, PROVIDING SOFTWARE
DEVELOPMENT, QUALITY ASSURANCE,
PROJECT MANAGEMENT AND INFRASTRUCTURE
CONSULTING SERVICES, IN CLASS 42 (U.S.
CLS. 100 AND 101).

FIRST USE 0-0-2007; IN COMMERCE 0-0-2007.

THE MARK CONSISTS OF AN OVAL WITH THE
WORD "INTELLECT" SUPERIMPOSED THEREON
WITH AN ARROW EXTENDING INTO THE APPROXIMATE
CENTER OF SAID OVAL FROM BELOW.

SER. NO. 77-975,758, FILED 1-8-2008.

ODESSA BIBBINS, EXAMINING ATTORNEY



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

Sep 10, 2008

NOTICE OF PUBLICATION UNDER 12(a)

- | | |
|--------------------------------------|--|
| 1. Serial No.:
77/975,758 | 2. Mark:
INTELLECT
and design |
| 3. International Class(es):
42 | |
| 4. Publication Date:
Sep 30, 2008 | 5. Applicant:
Intellect Technical Solutions, Inc. |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: 202-512-1800

By direction of the Commissioner.

Correspondence Address:

WILLIAM G. GILTINAN
CARLTON FIELDS, P.A.
PO BOX 3239
TAMPA, FL 33601-3239

TMP&I

Trademark Snap Shot Publication & Issue Review Stylesheet

(Table presents the data on Publication & Issue Review Complete)

OVERVIEW

SERIAL NUMBER	77975758	FILING DATE	01/08/2008
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	BIBBINS, ODESSA B	L.O. ASSIGNED	105

PUB INFORMATION

RUN DATE	08/23/2008		
PUB DATE	N/A		
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE		
STATUS DATE	08/22/2008		
LITERAL MARK ELEMENT	INTELLECT		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

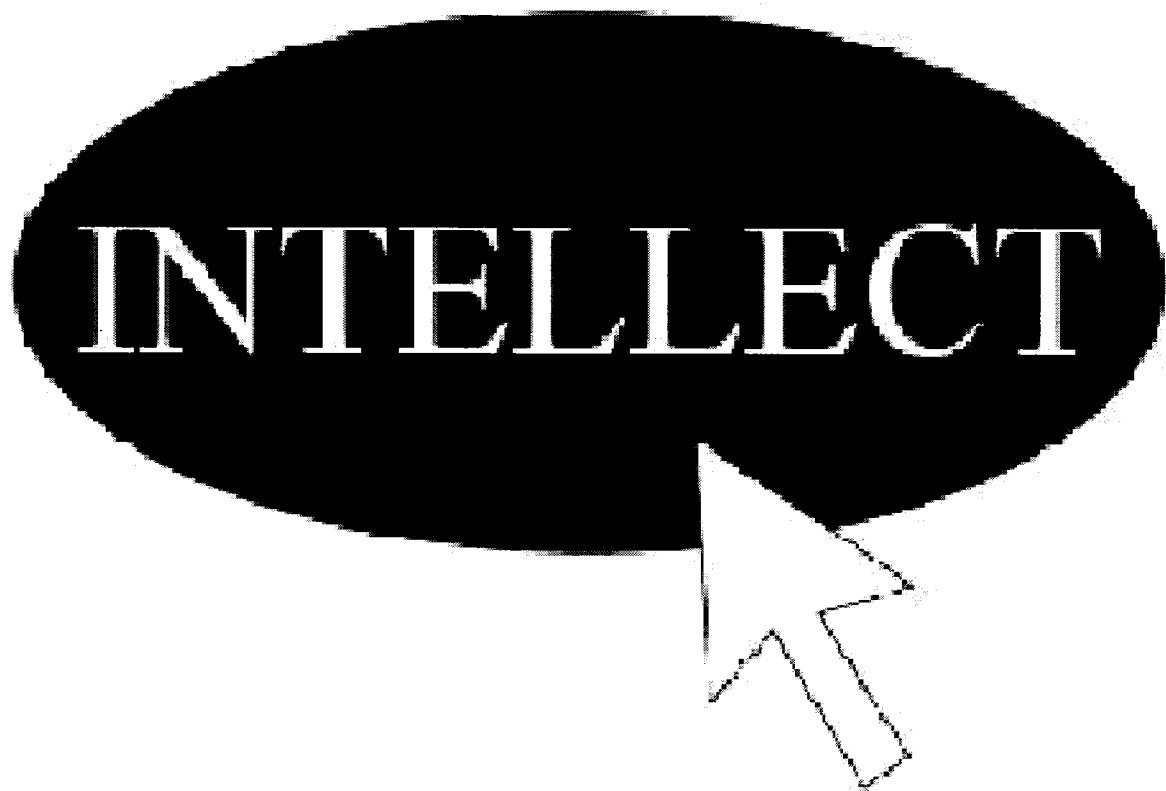
MARK DATA

STANDARD CHARACTER MARK	NO						
LITERAL MARK ELEMENT	INTELLECT						
MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)						
COLOR DRAWING FLAG	NO						
CURRENT OWNER INFORMATION							
PARTY TYPE	10-ORIGINAL APPLICANT						
NAME	Intellect Technical Solutions, Inc.						
ADDRESS	Suite 235 15950 Bay Vista Drive Clearwater, FL 33760						
ENTITY	03-CORPORATION						
CITIZENSHIP	Florida						
GOODS AND SERVICES							
INTERNATIONAL CLASS	042						
DESCRIPTION TEXT	Consulting services in the field of computer-based information systems for businesses, namely, providing software development, quality assurance, project management and infrastructure consulting services						
GOODS AND SERVICES CLASSIFICATION							
INTERNATIONAL CLASS	042	FIRST USE DATE	00/00/2007	FIRST USE IN COMMERCE DATE	00/00/2007	CLASS STATUS	6-ACTIVE
MISCELLANEOUS INFORMATION/STATEMENTS							
CHANGE IN REGISTRATION	NO						
COLORS CLAIMED STATEMENT	Color is not claimed as a feature of the mark.						
DESCRIPTION OF MARK	The mark consists of an oval with the word "INTELLECT" superimposed thereon with an arrow extending into the approximate center of said oval from below.						
CHILD OF	77366168						
PROSECUTION HISTORY							
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM			

08/22/2008	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	015
08/22/2008	ALIE	A	ASSIGNED TO LIE	014
08/14/2008	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	013
07/11/2008	MDSC	O	NOTICE OF DESIGN SEARCH CODE MAILED	012
07/10/2008	DPCC	D	DIVISIONAL PROCESSING COMPLETE	011
04/21/2008	DRRR	I	DIVISIONAL REQUEST RECEIVED	010
04/25/2008	UNPR	I	UNRESPONSIVE/DUPLICATE PAPER RECEIVED	009
04/24/2008	ALIE	A	ASSIGNED TO LIE	008
04/21/2008	FAXX	I	FAX RECEIVED	007
04/04/2008	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
04/04/2008	GNRT	F	NON-FINAL ACTION E-MAILED	005
04/04/2008	CNRT	R	NON-FINAL ACTION WRITTEN	004
04/02/2008	DOCK	D	ASSIGNED TO EXAMINER	003
01/12/2008	MDSC	O	NOTICE OF DESIGN SEARCH CODE MAILED	002
01/11/2008	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	William G. Giltinan
CORRESPONDENCE ADDRESS	WILLIAM G. GILTINAN CARLTON FIELDS, P.A. PO BOX 3239 TAMPA, FL 33601-3239
DOMESTIC REPRESENTATIVE	NONE



Trademark Snap Shot Publication Stylesheet

(Table presents the data on Publication Approval)

OVERVIEW

SERIAL NUMBER	77975758	FILING DATE	01/08/2008
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	BIBBINS, ODESSA B	L.O. ASSIGNED	105

PUB INFORMATION

RUN DATE	08/15/2008		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATION		
STATUS DATE	08/14/2008		
LITERAL MARK ELEMENT	INTELLECT		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	INTELLECT
MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Intellect Technical Solutions, Inc.
ADDRESS	Suite 235 15950 Bay Vista Drive Clearwater, FL 33760
ENTITY	03-CORPORATION
CITIZENSHIP	Florida

GOODS AND SERVICES

INTERNATIONAL CLASS	042
DESCRIPTION TEXT	Consulting services in the field of computer-based information systems for businesses, namely, providing software development, quality assurance, project management and infrastructure consulting services

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	042	FIRST USE DATE	00/00/2007	FIRST USE IN COMMERCE DATE	00/00/2007	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	Color is not claimed as a feature of the mark.
DESCRIPTION OF MARK	The mark consists of an oval with the word "INTELLECT" superimposed thereon with an arrow extending into the approximate center of said oval from below.
CHILD OF	77366168

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
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08/14/2008	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	013
07/11/2008	MDSC	O	NOTICE OF DESIGN SEARCH CODE MAILED	012
07/10/2008	DPCC	D	DIVISIONAL PROCESSING COMPLETE	011
04/21/2008	DRRR	I	DIVISIONAL REQUEST RECEIVED	010
04/25/2008	UNPR	I	UNRESPONSIVE/DUPLICATE PAPER RECEIVED	009
04/24/2008	ALIE	A	ASSIGNED TO LIE	008
04/21/2008	FAXX	I	FAX RECEIVED	007
04/04/2008	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
04/04/2008	GNRT	F	NON-FINAL ACTION E-MAILED	005
04/04/2008	CNRT	R	NON-FINAL ACTION WRITTEN	004
04/02/2008	DOCK	D	ASSIGNED TO EXAMINER	003
01/12/2008	MDSC	O	NOTICE OF DESIGN SEARCH CODE MAILED	002
01/11/2008	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	William G. Giltinan
CORRESPONDENCE ADDRESS	WILLIAM G. GILTINAN CARLTON FIELDS, P.A. PO BOX 3239 TAMPA, FL 33601-3239
DOMESTIC REPRESENTATIVE	NONE

INTELLECT



From: TMDesignCodeComments
Sent: Friday, July 11, 2008 00:13 AM
To: trademarks@carltonfields.com
Subject: Notice of Design Search Code for Serial Number: 77975758

ATTORNEY REFERENCE 50006/35700
NUMBER:

The USPTO may assign design search codes, as appropriate, to new applications and renewed registrations to assist in searching the USPTO database for conflicting marks. They have no legal significance and will not appear on the registration certificate. DESIGN SEARCH CODES are numerical codes assigned to figurative, non-textual elements found in marks. For example, if your mark contains the design of a flower, design search code 05.05 would be assigned to your application. Design search codes are described on Internet Web page <http://www.uspto.gov/tmdb/dscm/index.html>. Response to this notice is not required; however, to suggest additions or changes to the design search code(s) assigned to your mark, please e-mail TMDesignCodeComments@USPTO.GOV. You **must** reference your application serial number within your request. The USPTO will review the proposal and update the record, if appropriate. For questions, please call 1-800-786-9199 to speak to a Customer Service representative. The USPTO will not send any further response to your e-mail. Check TESS in approximately two weeks to see if the requested changes have been entered. Requests deemed unnecessary or inappropriate will not be entered. **Design search codes assigned to the referenced serial number are listed below.**

DESIGN SEARCH CODES:

24.15.25 - Other arrows
26.03.21 - Ovals that are completely or partially shaded

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/366168

APPLICANT: Intellect Technical Solutions, Inc.



CORRESPONDENT ADDRESS:

WILLIAM G. GILTINAN
CARLTON FIELDS, P.A.
PO BOX 3239
TAMPA, FL 33601-3239

July 10, 2008

RETURN ADDRESS:

Commissioner for Trademarks
P. O. Box 1451
Alexandria, VA 22313-1451

MARK: INTELLECT

CORRESPONDENT'S REFERENCE/DOCKET NO: 50006/35700

CORRESPONDENT EMAIL ADDRESS:
trademarks@carltonfields.com

Please provide in your correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Notice.
3. Attn: Intent to Use Unit
4. Your telephone number and e-mail address.

NOTICE OF DIVISIONAL REQUEST COMPLETED

RE: Serial Number 77366168

DIVISIONAL COMPLETED/EXAMINER OFFICE ACTION REMAINS OUTSTANDING

The request to divide application serial no. 77366168, filed on April 21, 2008, has been processed as follows:

- (1) Parent (original) application serial no. 77366168 contains the following goods and/or services/class(es): 35- Employment hiring, recruiting, placement, staffing and career networking services, namely, recruiting and placing information technology professionals and staffing application development and information technology infrastructure positions.
- (2) Child application serial no. 77975758 contains the following goods and/or services/class(es): 42- Consulting services in the field of computer-based information systems for businesses, namely, providing software development, quality assurance, project management and infrastructure consulting services.

37 C.F.R. §2.87; TMEP §§1110 *et seq.*

The examining attorney will be notified of the completed request to divide. Please note that the filing of a request to divide an application is not considered a proper response to an examining attorney's Office action and does not relieve an applicant of the duty to respond to any outstanding Office action or to take any other required action. TMEP §1110.05.

Please contact the undersigned with any questions regarding the request to divide.

/ Pamela Smith

Paralegal Specialist
ITU/Divisional Unit
571 272-9509
571 273-9509 Fax

No response to this notice is required

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE INTENT TO USE UNIT.

Trademark Snap Shot Amendment & Mail Processing Stylesheet

(Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	77366168	FILING DATE	01/08/2008
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	BIBBINS, ODESSA B	L.O. ASSIGNED	105

PUB INFORMATION

RUN DATE	04/26/2008		
PUB DATE	N/A		
STATUS	641-NON-FINAL ACTION - MAILED		
STATUS DATE	04/04/2008		
LITERAL MARK ELEMENT	INTELLECT		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	NO						
LITERAL MARK ELEMENT	INTELLECT						
MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)						
COLOR DRAWING FLAG	NO						
CURRENT OWNER INFORMATION							
PARTY TYPE	10-ORIGINAL APPLICANT						
NAME	Intellect Technical Solutions, Inc.						
ADDRESS	Suite 235 15950 Bay Vista Drive Clearwater, FL 33760						
ENTITY	03-CORPORATION						
CITIZENSHIP	Florida						
GOODS AND SERVICES							
INTERNATIONAL CLASS	035						
DESCRIPTION TEXT	Employment hiring, recruiting, placement, staffing and career networking services, namely, recruiting and placing information technology professionals and staffing application development and information technology infrastructure positions						
INTERNATIONAL CLASS	042						
DESCRIPTION TEXT	Consulting services in the field of computer-based information systems for businesses, namely, providing software development, quality assurance, project management and infrastructure consulting services						
GOODS AND SERVICES CLASSIFICATION							
INTERNATIONAL CLASS	035	FIRST USE DATE	01/31/2001	FIRST USE IN COMMERCE DATE	01/31/2001	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	042	FIRST USE DATE	00/00/2007	FIRST USE IN COMMERCE DATE	00/00/2007	CLASS STATUS	6-ACTIVE
MISCELLANEOUS INFORMATION/STATEMENTS							
CHANGE IN REGISTRATION	NO						

COLORS CLAIMED STATEMENT		Color is not claimed as a feature of the mark.		
DESCRIPTION OF MARK		The mark consists of an oval with the word "INTELLECT" superimposed thereon with an arrow extending into the approximate center of said oval from below.		
PROSECUTION HISTORY				
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
04/25/2008	UNPR	I	UNRESPONSIVE/DUPLICATE PAPER RECEIVED	009
04/24/2008	ALIE	A	ASSIGNED TO LIE	008
04/21/2008	FAXX	I	FAX RECEIVED	007
04/04/2008	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
04/04/2008	GNRT	F	NON-FINAL ACTION E-MAILED	005
04/04/2008	CNRT	R	NON-FINAL ACTION WRITTEN	004
04/02/2008	DOCK	D	ASSIGNED TO EXAMINER	003
01/12/2008	MDSC	O	NOTICE OF DESIGN SEARCH CODE MAILED	002
01/11/2008	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001
CURRENT CORRESPONDENCE INFORMATION				
ATTORNEY		William G. Giltinan		
CORRESPONDENCE ADDRESS		WILLIAM G. GILTINAN CARLTON FIELDS, P.A. PO BOX 3239 TAMPA, FL 33601-3239		
DOMESTIC REPRESENTATIVE		NONE		

INTELLECT



CARLTON FIELDS, P.A.

ATTORNEYS AT LAW

Corporate Center Three at International Plaza
4221 W. Boy Scout Boulevard, Suite 1000
Tampa, Florida 33607-5736

MAILING ADDRESS
P.O. Box 3239, Tampa, FL 33601-3239
Tel 813.223.7000 Fax 813.229.4133

FAX COVER SHEET

Date:	April 21, 2008	Phone Number	Fax Number
To:	Odessa BIBBINS U.S. Patent and Trademark Office	571-272-9105	571-273-9105
From:	William (Ty) Giltinan	813.229.4241	813.229.4133

Client/Matter No.: 50006/35700

Employee No.: 0420

Total Number of Pages Being Transmitted, Including Cover Sheet: 3

Message:

☐ Original to follow Via Regular Mail ☐ Original will Not be Sent ☐ Original will follow via Overnight Courier

.....
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.....

If there are any problems or complications, please notify us immediately at:
813.223.7000

Telecopier operator: _____

CARLTON FIELDS, P.A.

Atlanta Miami Orlando St.Petersburg Tallahassee Tampa West Palm Beach

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO.: 77/366,168
APPLICANT: Intellect Technical Solutions, Inc.
MARK: INTELLECT and Design
FILING DATE: January 8, 2008
TYPE: Service Mark
EXAMINING ATTORNEY: Odessa Bibbins
LAW OFFICE: 105

REQUEST TO DIVIDE APPLICATION

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Sir or Madam:

Please divide the above-referenced application with the new divisional application being directed to consulting services in the field of computer-based information systems for businesses, namely providing software development, quality assurance, project management and infrastructure consulting services in International Class 42, and with the original application being directed to employment hiring, recruiting, placement, staffing and career networking services, namely recruiting and placing information technology professionals and staffing application development and information technology infrastructure positions in International Class 35. Please note that, in accordance with T.M.E.P. § 1110.02, this is a request to divide out an entire class from an application and, therefore, only the fee for dividing the application is required. Accordingly, please charge Deposit Account Number 03-0683 in the amount of \$100 as the filing fee for this divisional application. Please further note that, because the pending Office Action pertains only to International Class 35, pursuant to T.M.E.P. § 1110.05(1),

Applicant: Intellect Technical Solutions, Inc.
Mark: INTELLECT and Design
Examiner: Odessa Bibbins

Serial No. 77/366,168
Filed: January 8, 2008
Law Office: 105

REQUEST TO DIVIDE APPLICATION

Page No. 2

Applicant respectfully submits that no response to the pending Office Action is due in the new application created by this request to divide.

Please charge any additional fees necessary or credit any overpayment to our deposit Account No. 03-0683.

Respectfully submitted,



William G. Giltinan
Carlton Fields, P.A.
P.O. Box 3239
Tampa, FL 33601
Attorney for Applicant

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office, fax number 571-273-9105, on the date set forth below.



William G. Giltinan, Attorney of Record

4/21/08

Date

cc: Intellect Technical Solutions, Inc.

NOTE TO THE FILE

SERIAL NUMBER: 77366168

DATE: 04/04/2008

NAME: obibbins

NOTE:

☐ Checked LEXIS/NEXIS

☒ Searched internet using [GOOGLE]

☐ Checked with Law Library re surname.

☐ Checked geographic significance.

☐ Checked with translations branch.

☐ Checked ID with ID/Class

☐ Checked ID with Senior Attorney/Managing Attorney

☐ Telephoned attorney/applicant leaving message re: _____

☐ Telephoned attorney/applicant, application was signed on _____

☐ Personal interview conducted with attorney/applicant re _____

☐ Attorney/applicant called to discuss _____

☐ Bulky specimens with examiner.

- ☐ Acronym website searched.
- ☐ Changed Tradeups to add. ____
- ☐ Changed Tradeups to delete. ____
- ☐ Changed Tradeups to add Examiner's Amendment.
- ☐ Letter of Protest Granted
- ☐ OTHER (insert reason for Note)

To: Intellect Technical Solutions, Inc. (trademarks@carltonfields.com)
Subject: TRADEMARK APPLICATION NO. 77366168 - INTELLECT - 50006/35700
Sent: 4/4/2008 7:04:03 PM
Sent As: ECOM105@USPTO.GOV
Attachments: Attachment - 1
Attachment - 2
Attachment - 3

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/366168

MARK: INTELLECT

77366168

CORRESPONDENT ADDRESS:

WILLIAM G. GILTINAN
CARLTON FIELDS, P.A.
PO BOX 3239
TAMPA, FL 33601-3239

RESPOND TO THIS ACTION:

<http://www.uspto.gov/teas/eTEASpageD.htm>

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Intellect Technical Solutions,
Inc.

**CORRESPONDENT'S REFERENCE/DOCKET
NO:**

50006/35700

CORRESPONDENT E-MAIL ADDRESS:

trademarks@carltonfields.com

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE: 4/4/2008

The assigned trademark examining attorney has reviewed the referenced application and has determined the following:

OFFICE SEARCH – 2(D) Likelihood of Confusion Refusal

This Refusal Applies to the *employment recruiting* services only in International Class 035 of the cited registration; and to International Class 035 only in this application.

Registration of the applied-for special character mark INTELLECT and DESIGN is refused because of a likelihood of confusion with the typed mark, ENTELLECT, in U.S. Registration No. 3009990, for the *employment recruiting services in International Class 035 only*, under Trademark Act Section 2(d), 15 U.S.C. §1052(d); TMEP §§1207.01 *et seq.* See the enclosed registration – Exhibit 1

Applicant has applied to register, INTELLECT for:

International Class 035 Employment hiring, recruiting, placement, staffing and career networking services, namely recruiting and placing information technology professionals and staffing application development and information technology infrastructure positions

International Class 042 Consulting services in the field of computer-based information systems for businesses, namely providing software development, quality assurance, project management and infrastructure consulting services

The registered mark is ENTELLECT for services in International Classes 041 and 044, and specifically for the *employment recruiting services* in International Class 035: **employment** counseling and **recruiting**, business consultation, business management and consultation, Business management consultation, Personnel management consultation, Psychological testing for the selection of personnel.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that a potential consumer would be confused or mistaken or deceived as to the source of the goods and/or services of the applicant and registrant. See 15 U.S.C. § 1052(d). The Court in *In re E. I. Du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973), listed the principal factors to be considered in determining whether there is a likelihood of confusion under Section 2(d). Any one of the factors listed may be dominant in any given case, depending upon the evidence of record. *In re Dixie Restaurants, Inc.*, 105 F.3d 1405, 41 USPQ2d 1531, 1533 (Fed. Cir. 1997).

In this case, the following factors are the most relevant: similarity of the marks, similarity of the services. See *In re Opus One, Inc.*, 60 USPQ2d 1812 (TTAB 2001); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593 (TTAB 1999); *In re Azteca Restaurant Enterprises, Inc.*, 50 USPQ2d 1209 (TTAB 1999); *In re L.C. Licensing Inc.*, 49 USPQ2d 1379 (TTAB 1998); TMEP §§1207.01 *et seq.*

Comparison of the Marks

In a likelihood of confusion determination, the marks are compared for similarities in sound, appearance, meaning or connotation. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973). Similarity in any one of these elements may be sufficient to find a likelihood of confusion. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1536 (TTAB 1988); *In re Lamson Oil Co.*, 6 USPQ2d 1041, 1043 (TTAB 1987); *In re Mack*, 197 USPQ 755 (TTAB 1977); TMEP §1207.01(b).

In the present case, applicant's mark, INTELLECT is identical in sound and similar in appearance to the registered mark ENTELLECT. Similarity in sound alone may be sufficient to support a finding of likelihood of confusion. *RE/MAX of America, Inc. v. Realty Mart, Inc.*, 207 USPQ 960, 964 (TTAB 1980); *Molenaar, Inc. v. Happy Toys Inc.*, 188 USPQ 469 (TTAB 1975); *In re Cresco Mfg. Co.*, 138 USPQ 401 (TTAB 1963); TMEP §1207.01(b)(iv). While applicant's mark begins with the letter "I" and registrant's with the letter E, these minor differences do not obviate the similarities between the mark, because the remaining identical letters in both marks, "NTELLECT", are identical in sound. Furthermore, when applicant's mark is compared to a registered mark, "the points of similarity are of greater importance than the points of difference." *Esso Standard Oil Co. v. Sun Oil Co.*, 229 F.2d 37, 40, 108 USPQ 161 (D.C. Cir. 1956) (internal citation omitted).

Comparison of the Services in International Class 035

Applicant's *employment recruiting services for information technology professionals* are related to the registrant's *employment recruiting services*. Since the identification of the registrant's is very broad, it is presumed that the registration encompasses all services of the type described, including those in the applicant's more specific identification, that they move in all normal channels of trade and that they are available to all potential customers. *In re Elbaum*, 211 USPQ 639, 640 (TTAB 1981); *In re Optica International*, 196 USPQ 775 (TTAB 1977); TMEP §1207.01(a)(iii).

The identification of the services in the subject application and the cited registration may in itself constitute evidence of the relatedness of the services. *Hewlett-Packard Co. v. Packard Press Inc.*, 281 F. 3d 1261, 1267, 62 USPQ2d 1001 (Fed. Cir. 2002).

In this case, the applicant's and registrant's marks are identical in sound, highly similar in appearance, and their services related, such that if encountered by consumers, it may create the incorrect assumption that they originate from the same source, and thus likely to cause confusion. Any doubt regarding a likelihood of confusion is resolved in favor of the prior registrant. *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 6 USPQ2d 1025 (Fed. Cir. 1988); TMEP §§1207.01(d)(i).

Although the Examining Attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

If the Applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned Trademark Examining Attorney directly at the number below.

USPTO
/Odessa Bibbins/
Attorney Advisor
Law Office 105
Tel: 571-272-9425
Fax: 571-273-9425

RESPOND TO THIS ACTION: If there are any questions about the Office action, please contact the assigned examining attorney. A response to this Office action should be filed using the form available at <http://www.uspto.gov/teas/eTEASpageD.htm>. If notification of this Office action was received via e-mail, no response using this form may be filed for 72 hours after receipt of the notification. **Do not attempt to respond by e-mail as the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

Print: Apr 4, 2008

76539434

DESIGN MARK

Serial Number

76539434

Status

REGISTERED

Word Mark

ENTELLECT

Standard Character Mark

No

Registration Number

3009990

Date Registered

2005/11/01

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Soni, Milena INDIVIDUAL UNITED STATES 972 Linda Vista Avenue Pasadena
CALIFORNIA 91103

Goods/Services

Class Status -- ACTIVE. IC 044. US 100 101. G & S: Psychological
counseling, Psychological consultation, Psychological testing
services, Psychological testing. First Use: 2002/05/01. First Use In
Commerce: 2002/05/01.

Goods/Services

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Career
counseling. First Use: 2002/05/01. First Use In Commerce:
2002/05/01.

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Employment
counseling and recruiting, Business Consultation, Business management
and consultation, Business management consultation, Personnel
management consultation, Psychological testing for the selection of
personnel. First Use: 2002/05/01. First Use In Commerce: 2002/05/01.

Print: Apr 4, 2008

76539434

Filing Date

2003/08/06

Examining Attorney

CARROLL, DORITT L.

Attorney of Record

Michael E Hoffman

ENTELLECT

To: Intellect Technical Solutions, Inc. (trademarks@carltonfields.com)
Subject: TRADEMARK APPLICATION NO. 77366168 - INTELLECT - 50006/35700
Sent: 4/4/2008 7:04:06 PM
Sent As: ECOM105@USPTO.GOV
Attachments:

IMPORTANT NOTICE
USPTO OFFICE ACTION HAS ISSUED ON 4/4/2008 FOR
APPLICATION SERIAL NO. 77366168

Please follow the instructions below to continue the prosecution of your application:

VIEW OFFICE ACTION: Click on this link
http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77366168&doc_type=OOA&
(or copy and paste this URL into the address field of your browser), or visit
<http://tmportal.uspto.gov/external/portal/tow> and enter the application serial number to **access** the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this notification.

RESPONSE MAY BE REQUIRED: You should carefully review the Office action to determine (1) if a response is required; (2) how to respond; and (3) the applicable **response time period**. Your response deadline will be calculated from 4/4/2008.

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System response form at <http://www.uspto.gov/teas/eTEASpageD.htm>.

HELP: For *technical* assistance in accessing the Office action, please e-mail TDR@uspto.gov. Please contact the assigned examining attorney with questions about the Office action.

WARNING

- 1. The USPTO will NOT send a separate e-mail with the Office action attached.**
- 2. Failure to file any required response by the applicable deadline will result in the**

ABANDONMENT of your application.

*** User:Obibbins ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	36952	N/A	0	0	0:01	26.03.21[DD]
02	15803	N/A	0	0	0:01	24.15.25[DD]
03	526	0	526	334	0:02	*nt{v}l\$1 {v} {"ckq"} *[bi,ti] not dead [ld]
04	254	0	8	254	0:01	1 and (2 3) not dead [ld]
05	250	0	4	250	0:02	1 and 2 not dead [ld]
06	1	0	1	1	0:01	1 and 2 and 3 not dead [ld]
07	1	0	1	1	0:01	3 and 5 not dead [ld]

Session started 4/4/2008 6:39:46 PM

Session finished 4/4/2008 6:53:26 PM

Total search duration 0 minutes 9 seconds

Session duration 13 minutes 40 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICSRS as Serial Number: 77366168

From: TMDesignCodeComments
Sent: Saturday, January 12, 2008 00:10 AM
To: trademarks@carltonfields.com
Subject: Notice of Design Search Code for Serial Number: 77366168

ATTORNEY REFERENCE 50006/35700
NUMBER:

The USPTO may assign design search codes, as appropriate, to new applications and renewed registrations to assist in searching the USPTO database for conflicting marks. They have no legal significance and will not appear on the registration certificate. DESIGN SEARCH CODES are numerical codes assigned to figurative, non-textual elements found in marks. For example, if your mark contains the design of a flower, design search code 05.05 would be assigned to your application. Design search codes are described on Internet Web page <http://www.uspto.gov/tmdb/dscm/index.html>. You are not required to respond to this notice. However, if you would like to suggest additions or changes to the design search codes assigned to your mark, please send an email to TMDesignCodeComments@USPTO.GOV or call 1-800-786-9199 to speak to a Customer Service representative. No fee is necessary. (Please include the serial number of your application on ALL correspondence with the USPTO.) The USPTO will review your request and update the record if appropriate. The USPTO will not send any further response to your e-mail. Check TESS in approximately two weeks to see if the requested changes have been entered. Requests deemed unnecessary or inappropriate will not be entered. **Design search codes assigned to the referenced serial number are listed below.**

DESIGN SEARCH CODES:

24.15.25 - Other arrows
26.03.21 - Ovals that are completely or partially shaded

Trademark/Service Mark Application, Principal Register

Serial Number: 77366168

Filing Date: 01/08/2008

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77366168
MARK INFORMATION	
*MARK	\\TICRS\EXPORT2\IMAGEOUT2 \779\757\77975758\LM2Copy \77366168\1\APP1\APP2.JPG
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	INTELLECT
COLOR MARK	NO
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of an oval with the word INTELLECT superimposed thereon with an arrow extending into the approximate center of said oval from below.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	545 x 394
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Intellect Technical Solutions, Inc.
*STREET	15950 Bay Vista Drive
INTERNAL ADDRESS	Suite 235
*CITY	Clearwater
*STATE (Required for U.S. applicants)	Florida
*COUNTRY	United States

*ZIP/POSTAL CODE (Required for U.S. applicants only)	33760
LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Florida
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	035
*IDENTIFICATION	Employment hiring, recruiting, placement, staffing and career networking services, namely recruiting and placing information technology professionals and staffing application development and information technology infrastructure positions
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/31/2001
FIRST USE IN COMMERCE DATE	At least as early as 01/31/2001
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT2\IMAGEOUT2 \779\757\77975758\LM2Copy \77366168\1\APP1\APP3.JPG
SPECIMEN DESCRIPTION	Screen shot of page from applicant's website
*INTERNATIONAL CLASS	042
*IDENTIFICATION	Consulting services in the field of computer-based information systems for businesses, namely providing software development, quality assurance, project management and infrastructure consulting services
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 00/00/2007
FIRST USE IN COMMERCE DATE	At least as early as 00/00/2007
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT2\IMAGEOUT2 \779\757\77975758\LM2Copy \77366168\1\APP1\APP4.JPG
SPECIMEN DESCRIPTION	Screen shot of page from applicant's website
ATTORNEY INFORMATION	
NAME	William G. Giltinan

ATTORNEY DOCKET NUMBER	50006/35700
FIRM NAME	Carlton Fields, P.A.
STREET	P. O. Box 3239
CITY	Tampa
STATE	Florida
COUNTRY	United States
ZIP/POSTAL CODE	33601-3239
PHONE	813-229-4241
FAX	813-229-4133
EMAIL ADDRESS	trademarks@carltonfields.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	C. Douglas McDonald, Andrew C. Greenberg, James Wolfson, Gail Podolsky
CORRESPONDENCE INFORMATION	
NAME	William G. Giltinan
FIRM NAME	Carlton Fields, P.A.
STREET	P. O. Box 3239
CITY	Tampa
STATE	Florida
COUNTRY	United States
ZIP/POSTAL CODE	33601-3239
PHONE	813-229-4241
FAX	813-229-4133
EMAIL ADDRESS	trademarks@carltonfields.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	2
FEE PER CLASS	325
*TOTAL FEE DUE	650

*TOTAL FEE PAID	650
SIGNATURE INFORMATION	
SIGNATURE	/James Barge/
SIGNATORY'S NAME	James Barge
SIGNATORY'S POSITION	President
DATE SIGNED	01/08/2008

PTO Form 1478 (Rev 9/2006)
OMB No. 0651-0009 (Exp 12/31/2008)

Trademark/Service Mark Application, Principal Register

Serial Number: 77366168

Filing Date: 01/08/2008

To the Commissioner for Trademarks:

MARK: INTELLECT (stylized and/or with design, see mark)

The literal element of the mark consists of INTELLECT.

The applicant is not claiming color as a feature of the mark. The mark consists of an oval with the word INTELLECT superimposed thereon with an arrow extending into the approximate center of said oval from below.

The applicant, Intellect Technical Solutions, Inc., a corporation of Florida, having an address of
Suite 235,
15950 Bay Vista Drive
Clearwater, Florida 33760
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

International Class 035: Employment hiring, recruiting, placement, staffing and career networking services, namely recruiting and placing information technology professionals and staffing application development and information technology infrastructure positions

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in

commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 035, the mark was first used at least as early as 01/31/2001, and first used in commerce at least as early as 01/31/2001, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Screen shot of page from applicant's website. Specimen File1

International Class 042: Consulting services in the field of computer-based information systems for businesses, namely providing software development, quality assurance, project management and infrastructure consulting services

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 042, the mark was first used at least as early as 00/00/2007, and first used in commerce at least as early as 00/00/2007, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Screen shot of page from applicant's website. Specimen File1

The applicant hereby appoints William G. Giltinan and C. Douglas McDonald, Andrew C. Greenberg, James Wolfson, Gail Podolsky of Carlton Fields, P.A.

P. O. Box 3239

Tampa, Florida 33601-3239

United States

to submit this application on behalf of the applicant. The attorney docket/reference number is 50006/35700.

Correspondence Information: William G. Giltinan

P. O. Box 3239

Tampa, Florida 33601-3239

813-229-4241(phone)

813-229-4133(fax)

trademarks@carltonfields.com (authorized)

A fee payment in the amount of \$650 has been submitted with the application, representing payment for 2 class(es).

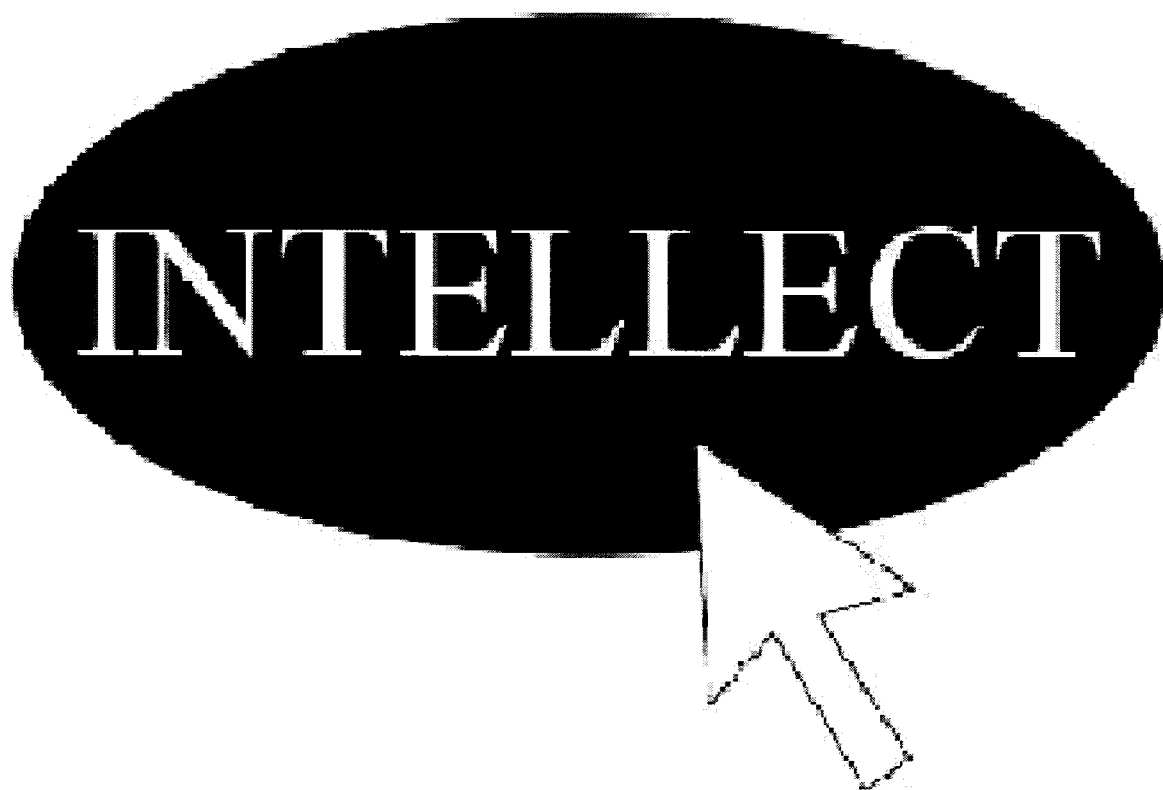
Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /James Barge/ Date Signed: 01/08/2008
Signatory's Name: James Barge
Signatory's Position: President

RAM Sale Number: 7473
RAM Accounting Date: 01/08/2008

Serial Number: 77366168
Internet Transmission Date: Tue Jan 08 10:11:09 EST 2008
TEAS Stamp: USPTO/BAS-66.193.165.130-200801081011098
49309-77366168-4005ff5971e43b11b9d5af79b
44c2c2d4-DA-7473-20080107162239327432

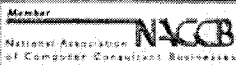



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Drive your Business, with ours.

Company Overview Application Services IT Governance Services Network Solutions Resource Management	About Us Intellect consulting services and project-based solutions focus on (4) distinct practice areas: <ul style="list-style-type: none">• Application Services: software development, software quality assurance, project management, business intelligence and training• Network Solutions: infrastructure consulting, security, disaster recovery, wireless networking and more• IT Governance Services: Project management, IT process consulting, project estimation and metrics, balanced scorecards and more• IT Workforce Management: workforce and vendor assessment, on-site managed services and more Intellect recruiting, staffing and placement services help your company locate, screen and hire the information technology specialists you need to deliver projects on time, on budget and within scope. Intellect offers years of experience serving both Fortune 2000 and middle market clients through our professional services organization. Intellect offers services and has project experience across many vertical industries including retail, banking, healthcare, telecommunications and other markets. As such, our consultants offer deep business domain experience and knowledge in areas that impact businesses in these industry groups. Many of our consultants have their technical skills validated through the achievement of certifications with industry-leading technology firms such as Microsoft, Mercury Interactive and others, and bring that technical expertise to bear for our clients. Intellect is a two-time Inc. 500 company, recognized as "one of America's fastest growing privately held companies" by <i>Inc. Magazine</i> in both 2004 and 2005.
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Intellect - About Us - Microsoft Internet Explorer

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Address http://www.intellectcorp.com/aboutus.aspx Go Links


Drive your Business, with ours.

Member
NACCB
National Association
of Computer Consultant Businesses

Company Overview

- Application Services
- IT Governance Services
- Network Solutions
- Resource Management



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- Our Clients
- Our Team
- News
- Careers
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- Contact Us
- Links

About Us

Intellect consulting services and project-based solutions focus on (4) distinct practice areas:

- Application Services:** software development, software quality assurance, project management, business intelligence and training
- Network Solutions:** infrastructure consulting, security, disaster recovery, wireless networking and more
- IT Governance Services:** Project management, IT process consulting, project estimation and metrics, balanced scorecards and more
- IT Workforce Management:** workforce and vendor assessment, on-site managed services and more

Intellect recruiting, staffing and placement services help your company locate, screen and hire the information technology specialists you need to deliver projects on time, on budget and within scope.

Intellect offers years of experience serving both Fortune 2000 and middle market clients through our professional services organization.

Intellect offers services and has project experience across many vertical industries including retail, banking, healthcare, telecommunications and other markets. As such, our consultants offer deep business domain experience and knowledge in areas that impact businesses in these industry groups.

Many of our consultants have their technical skills validated through the achievement of certifications with industry-leading technology firms such as Microsoft, Mercury Interactive and others, and bring that technical expertise to bear for our clients.

Intellect is a two-time Inc. 500 company, recognized as "one of America's fastest growing privately held companies" by *Inc. Magazine* in both 2004 and 2005.

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INTELLECT

